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WORLD FUEL SERVICES (SINGAPORE) PTE
LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WORLD FUEL SERVICES
(SINGAPORE) PTE LTD.,

Plaintiff,

v.

M/V ZHONG XIN PEARL, IMO Number
9684134, *in rem*,

Defendant.

IN ADMIRALTY

Case No. 3:20-cv-07423

**[PROPOSED] ORDER APPOINTING
SUBSTITUTE CUSTODIAN**

Plaintiff World Fuel Services (Singapore) Pte Ltd. ("WFS"), having moved this Court for an Order appointing National Liquidators & National Maritime Services ("National Maritime Services") as substitute custodian, in lieu of the United States Marshal, of the defendant vessel Zhong Xin Pearl M/V, IMO Number 9684134 (the "Vessel"), and the Court having reviewed Plaintiff's Motion for Appointment of Substitute Custodian dated October 22, 2020, and the Declaration of G. Robert Toney dated October 21, 2020 in support of that Motion, and good cause appearing for Plaintiff's motion, it is hereby ORDERED that:

1. Plaintiff's Motion for Appointment of Substitute Custodian is granted;

1 2. Effective on transfer of the Vessel from the U.S. Marshal to National
2 Maritime Services, to occur immediately after the U.S. Marshal takes the Vessel into custody,
3 National Maritime Services is hereby appointed to act as substitute custodian of the Vessel during
4 *custodia legis* on behalf of this Court, in place and in the stead of the United States Marshal;

5 3. Effective on transfer of custody of the Vessel to National Maritime Services
6 by the U.S. Marshal, National Maritime Services will be insured by being named as an additional
7 insured on the U.S. Marshal's policy of insurance for loss of or injury to the Vessel while in National
8 Maritime Services' custody and for damages sustained by third parties for which National Maritime
9 Services is legally responsible;

10 4. To the extent not covered by the U.S. Marshal's insurance, Plaintiff shall
11 indemnify and hold harmless the U.S. Marshal, to the extent required by law, for such loss or injury
12 to the Vessel, or damages to third parties, occurring during National Maritime Services' custody of
13 the Vessel as substitute custodian; provided however that any such indemnification shall be without
14 prejudice to Plaintiff's or the U.S. Marshal's rights to seek contribution or indemnification from
15 any other parties who may appoint a substitute custodian and have the Vessel in that custody when
16 any such loss, injury, or damages may occur;

17 5. All expenses incurred by National Maritime Services, or by any party
18 advancing funds to National Maritime Services, for safekeeping and maintaining the Vessel while
19 it is in *custodia legis*, shall be administrative expenses and a first charge on the Vessel, to be paid
20 prior to release of the Vessel or distribution of the proceeds of its sale;

21 6. On Plaintiff's deposit of \$5,000.00 with the U.S. Marshal, which amount
22 Plaintiff has represented the U.S. Marshal deems sufficient, liability insurance for National
23 Maritime Services as an additional insured will be maintained through the insurance of the U.S.
24 Marshal, which shall provide coverage for the protection of the Vessel, Plaintiff, and National
25 Maritime Services, as may be applicable; and

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4838-0888-1871.3

1 7. During *custodia legis*, National Maritime Services shall not permit repairs
2 or changes to be made to the Vessel, except for routine maintenance required for the Vessel's
3 safekeeping, or in emergency situations, without an order of this Court.

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5 Dated: October 23, 2020

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9 ~~UNITED STATES DISTRICT COURT~~
~~JUDGE / MAGISTRATE JUDGE~~
Joseph C. Spero

10 PRESENTED BY

11 MILLER NASH GRAHAM & DUNN
12 LLP

13
14 By: /s/ Phillip Allan Trajan Perez

15 Phillip Allan Trajan Perez
16 Tyler D. Bowlin
Attorneys for Plaintiff
WORLD FUEL SERVICES
(SINGAPORE) PTE LTD.